



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/822,709	03/21/97	WALKER	J WD2-97-006

022927
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LM71/0217

EXAMINER

SAYADIAN, H

ART UNIT

PAPER NUMBER

2766

DATE MAILED:

17
02/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/822,709

Applicant(s)
WALKER et al.

Examiner
Hrayr A. Sayadian

Group Art Unit
2766



☒ Responsive to communication(s) filed on Nov 17, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 52-55, 58, and 59 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 52-55, 58, and 59 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 10 & 14

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

GENERAL

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

OBJECTIONS/REJECTIONS NOT BASED ON PRIOR ART

DISCLOSURE: Drawings

2. The drawings are objected to under 37 C.F.R. 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, all of the device-apparatus elements and process steps in the independent claims must be shown or else canceled from the claims.

No new matter may be entered.

DISCLOSURE: Abstract

3. The Abstract of the Disclosure is objected to because it does not include that which is new in the art to which the invention pertains. For a review of the proper content and form of an Abstract of the Disclosure, see M.P.E.P. § 608.01(b).

Correction is required but may be delayed until this Application is allowed. No new matter may be introduced.

DISCLOSURE: Specification

4. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. 1.75(d)(1) and M.P.E.P. § 608.01(o). Correction

of the following is required: In claims 52, 55, and 58 as amended recite calculating a change amount of a merchandise transaction (not including the lottery bought), providing a prompt (to the customer) for a lottery ticket purchase in exchange for the change amount, and receiving a request (from the customer) to purchase a lottery ticket in exchange for the change amount. The detailed description does not antecedent basis for these limitations. Rather the specification is directed to a customer who asks to purchase a lottery rather than the POS offering the customer a lotto in exchange for a change amount resulting from a merchandise purchase transaction.

The specification should be amended to provide antecedent basis to the claims.
However, new matter may NOT be added.

6. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to disclose the invention.

Claims as now amended contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 52, 55, and 58 as amended recite calculating a change amount of a merchandise transaction (not including the lottery bought), providing a prompt (to the customer) for a lottery ticket purchase in exchange for the change amount, and receiving a request (from the customer) to purchase a lottery ticket in exchange for the change amount. The specification as originally filed does not provide support for these limitations.

DISCLOSURE: New Matter Added

7. The amendment filed 11-17-1999 is objected to under 35 U.S.C. § 132 because it introduces new matter into the specification. 35 U.S.C. § 132 states that no amendment shall introduce new matter into the disclosure of the invention.

The added material which is not supported by the original disclosure is as follows: In claims 52, 55, and 58 as amended recite calculating a change amount of a merchandise transaction (not including the lottery bought), providing a prompt (to the customer) for a lottery ticket purchase in exchange for the change amount, and receiving a request (from the customer) to purchase a lottery ticket in exchange for the change amount. The specification as originally filed does not provide support for these limitations.

In response to this office action, *Applicants are required either specifically to point to portions of the specifications that support and enable every feature of the added matter objected to or to cancel the new matter.*

DISCLOSURE: Claims

8. Claims 52-55, 58, and 59 are rejected under 35 U.S.C. § 112, first paragraph, as claims that contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. See supra, ¶¶ 5-7, objections to the specification and 132 new matter objection to the specification.

ALLOWABLE SUBJECT MATTER

9. Claims 52-55, 58, and 59 are allowable over the prior art of record. The following is Examiner's statement of reasons for indicating allowable subject matter:

The cited prior art, neither alone nor in combination, teaches or suggests the limitations of, in a point of sale terminal, calculating a change amount of a merchandise transaction, offering to exchange the change amount for a lottery ticket, and printing the lottery information on a transaction receipt.

The cited prior art neither anticipates nor renders obvious said limitations. Molbak does not address offering a lottery ticket information; rather it offers to have the change donated to charities.

TIME PERIOD FOR RESPONSE

This Action Is Made Final

10. Applicants' amendment necessitated the new grounds of rejection.

Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION.

In the event a first response is filed within two months of the mailing date of this final action and the advisory action is not mailed until after the end of the three-month shortened statutory period, then the shortened statutory period will expire on the date the

advisory action is mailed, and any extension fee pursuant to 37 C.F.R. 1.136(a) will be calculated from the mailing date of the advisory action.

IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

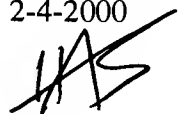
INFORMATION ON HOW TO CONTACT THE USPTO

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hrayr A. Sayadian whose telephone number is (703) 306-4169. The examiner can normally be reached on Monday through Friday, from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Gail Hayes, can be reached on (703) 305-9711. The fax phone number for Technology Center 2700 is (703) 308-9051 or 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 305-3800 or 305-4700.

Hrayr A. Sayadian
2-4-2000



**GAIL O. HAYES
SUPERVISORY PATENT EXAMINER
GROUP 2700**